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UNITED STATES OF AMERICA,
v.
FRANCISCO TORRES FELIX,

SAN JOSE DIVISION

Case No. 14-CV-00408-RMW

Related to CR-07-00106-RMW-2

**ORDER DENYING MOTION FOR
RECONSIDERATION OF ORDER
DENYING CERTIFICATE OF
APPEALABILITY ON ORDER
DENYING § 2255 MOTION**

[Re Dkt. No. 207]

Defendant Francisco Torres Felix (“Felix”) moves for reconsideration of the court's denial of his request for a certificate of appealability (Docket # 205). Felix has not met the requirements of Rule 60(b) of the Federal Rules of Civil Procedure for relief from the order. *See Fed. R. Civ. P.* 60(b). However, even if the court were to reconsider and treat his § 2255 motion as timely, Felix would still not be entitled to relief as the motion lacks substantive merit. Felix has not shown that his trial or appellate counsel prejudiced his case by lack of advice or by not objecting to time exclusions under the Speedy Trial Act. Felix also waived his Speedy Trial Act claim and his evidentiary claim by pleading guilty and, in addition, by not raising them on appeal. Jurists of

1 reason would not find that Felix has made a substantial showing of the denial of a constitutional
2 right.

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4 Dated: March 4, 2015
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Ronald M. Whyte
United States District Judge